

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

DEBRA L. VAUGHAN,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,**

Defendant.

Case No. CIV-08-265-SPS

**OPINION AND ORDER REMANDING CASE
FOR FURTHER ADMINISTRATIVE PROCEEDINGS**

Before the Court is the Defendant's Unopposed Motion to Remand for Further Administrative Proceedings [Docket No. 13]. The Commissioner requests that this case be remanded pursuant to sentence six of 42 U.S.C. § 405(g) in order to locate the administrative record in the case. Remand may only be accomplished in three circumstances:

The court may remand the case after passing on its merits and issuing a judgment affirming, reversing, or modifying the [Commissioner's] decision, a 'sentence four' remand. Alternatively, the court may remand the case without ruling on the merits if (a) the [Commissioner] requests remand, for good cause, prior to filing [his] answer; or (b) new and material evidence comes to light, and there is good cause for failing to incorporate such evidence in the earlier proceeding. These are 'sentence six' remands.

Nguyen v. Shalala, 43 F.3d 1400, 1403 (10th Cir. 1994), *citing Melkonyan v. Sullivan*, 501 U.S. 89, 98, 100 n.2; 42 U.S.C. § 405(g).

The Commissioner represents that the Plaintiff's counsel has been contacted and does not oppose the Motion. The Court therefore finds that the reason proffered by the Commissioner for the remand of this case represents "good cause" as envisioned by the

sentence six remand. Accordingly, the Defendant's Unopposed Motion to Remand for Further Administrative Proceedings [Docket No. 13] is hereby **GRANTED**. The case is hereby **REMANDED** for further administrative proceedings pursuant to sentence six of 42 U.S.C. §405(g).

IT IS SO ORDERED this 17th day of November, 2008.



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE